

REMARKS

Applicants submit this Response to the Final Office Action dated March 16, 2009. Claims 1, 2, 3, 9, 10, 15, 27, 49, 51, 54, 59, 62, 64, 65, 68, 70, 71, 76, 78, 80, 82, 84, 86, 88, 90, 93, 95 and 101 have been amended. No new matter was added by these amendments. Claims 38, 50, 55, 56, 63, 67 and 92 have been cancelled without prejudice or disclaimer. Applicants do not believe any fees are due in connection with this Response. However, please charge Deposit Account No. 02-1818 for any amounts due.

In the Office Action: (a) the Priority Claim was objected to as not clearly indicating what applications the present application claims priority to; (b) the disclosure was objected to because Claim 38 (although the Office Action refers to Claim 31, Applicants respectfully believe the Office Action meant to refer to Claim 38) because certain features allegedly are not found in the detailed description; (c) the drawings were objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because they allegedly do not include the "Line Set" as described in paragraph 647 of the Pre-Grant publication of the subject application; (d) Claim 59 was objected to because of a typographical error; (e) Claims 49, 50 and 62 to 64 were rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter because the process steps are allegedly not tied to a machine nor do they execute a transformation; (f) Claims 2 and 15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; (g) Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; (h) Claim 9 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; (i) Claims 1 to 5, 9 to 18, 21, 24, 25, 27 to 30, 40 and 46 to 52 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0016568 to Lebel et al. ("*Lebel*"); (j) Claims 54 to 66, 73, 75, 77, 79, 81, 83, 85, 87, 89 to 91, 96 and 97 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0029776 to Blomquist ("*Blomquist*"); (k) Claims 6 to 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of U.S. Publication No. 2002/0173774 to Olsen ("*Olsen*"); (l) Claims 19, 20, 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Lebel; (m) Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of U.S. Publication No. 2002/0016568 to McDevitt et al. ("*McDevitt*"); (n) Claims 31 to 36, 39, 41, 43 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Blomquist*; (o) Claims 37, 38 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Blomquist* and further in view of *McDevitt*; (p) Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* and *Blomquist*, and further in view of U.S. Publication No. 2004/0029213 to Callahan et al. ("*Callahan*"); (q) Claim 53 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of U.S. Publication No. 2002/0116509 to De La Huerga ("*De La Huerga*"); (r) Claims 67 to 72, 92 and 94 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Blomquist* in view of U.S. Publication No. 2004/0104271 to Martucci et al. ("*Martucci*"); and (s) Claims 74, 76, 78, 80, 82, 84, 86, 88, 93, 95, 98 and 101 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Blomquist*.

Regarding the Examiner's objection to the Priority Claim, Applicants have amended the specification to include two distinct headings "PRIORITY CLAIM" and "CROSS REFERENCE TO RELATED APPLICATIONS" to further clarify what applications the present application claims priority to. Accordingly, Applicants respectfully request that this objection be withdrawn.

Regarding the objection to the disclosure because certain features of Claim 38 allegedly are not found in the detailed description, Claim 38 has been cancelled without prejudice or disclaimer, rendering this rejection moot.

Regarding the objection to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they allegedly do not include the "Line Set" as described in paragraph 647 of the Pre-Grant publication of the subject application, the specification has been amended to clarify that the drawings, specifically, Fig. 53, do in fact include a line set. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

Regarding the objection to Claim 59, Applicants have corrected the typographical error referred to in the Office Action and accordingly request that the objection be withdrawn.

Regarding the rejection of Claims 49, 50 and 62 to 64 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter because the process steps are allegedly not tied to a machine nor do they execute a transformation, Applicants respectfully request that the rejection be withdrawn in view of the amendments made herein.

Specifically, amended Claim 49 is directed to a method for operating a healthcare system within a care-giving facility, *the system having a medical device, a first central computer remote from the medical device, and a multi-purpose user interface remote from the first central computer and the medical device*, the method comprising the steps of: *causing the first central computer to receive* first medical data from the medical device; *causing the first central computer to receive* second medical data from the user interface; causing the first central computer to send third medical data to the user interface; causing the first central computer to send a communication task to the user interface for providing at least one communication capability for communication between the medical device and the user interface; and causing the first central computer to send fourth medical data to the medical device, the fourth medical device comprising operating parameters for the medical device.

The steps of Claim 49 are in fact tied to a machine—the system including a first central computer, a medical device and a multi-purpose user interface. Further, the method clearly includes causing received data to result in operating parameters for the medical device, meaning an input is transformed into an output (i.e., operating parameters).

Amended Claim 62 is directed to a method for monitoring healthcare data within a healthcare system, comprising the steps of: *causing a central computer to receive* first healthcare data associated with a medication delivery pump for infusing a solution, the pump having a first location; *causing the central computer to receive* second healthcare data associated with a patient monitor proximate the first location; *causing the central computer to combine* at least a portion of each of the first and second healthcare data; *causing the central computer to send* the combine first and second healthcare data to an interface device; and *causing the interface device to display* the combined first and second healthcare data on a single interface screen.

The steps of Claim 62 are also tied to a machine—the system including a central computer, a medication delivery pump, a patient monitor and an interface device. Further, the method includes a transformation of first and second data into a combined display on the single interface screen. The processing and display of the data in a combined form is clearly a transformation. For at least these reasons, Applicants respectfully request that the rejection of Claims 49, 62 and 64 be withdrawn (Claims 50 and 63 were cancelled without prejudice or disclaimer, rendering the rejection of those claims moot).

Regarding the rejection of Claims 2 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, Applicants have removed the “means for” language identified in the Office Action and amended these claims for structural clarity. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of Claims 2 and 15.

Regarding the rejection of Claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, Applicants have amended Claim 3 to clarify that the processor includes a controller. In view of such amendment, Applicants respectfully request that the rejection of Claim 3 be withdrawn.

Regarding the rejection of Claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, Applicants have amended Claim 9 by removing the term “thin-client operating system” and further amended the claim for clarity. In view of such amendment, Applicants respectfully request that the rejection of Claim 9 be withdrawn.

Regarding the rejection of Claims 1 to 5, 9 to 18, 21, 24, 25, 27 to 30, 40 and 46 to 52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2002/0016568 to Lebel et al. (“*Lebel*”), Applicants have amended independent Claims 1, 27, 49 and 51 to overcome this rejection.

Lebel is directed to an implantable infusion pump which is configured to exchange messages with an external device. Referring to Fig. 3, reproduced below, the implantable infusion pump 2 includes processing electronics 72 including two CPUs and external device 32 includes processing electronics 42 including a single CPU.

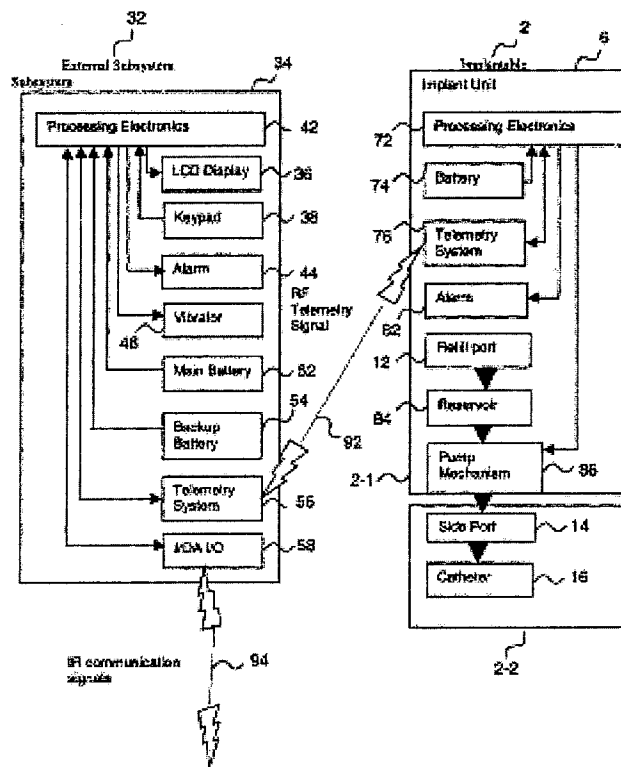


FIGURE 3

Amended Claim 1, for example, includes *a multi-purpose user interface* for a healthcare system having a medical device and *a first central computer remote from the medical device, the medical device and the first central computer being separate from the multi-purpose user interface*, the user interface comprising: a housing; a processor; a memory; a communications interface for providing communication between the user interface and the medical device and for providing communications between the user interface and the first central computer; and a display for displaying a medical prompt and for displaying medical information received from the first central computer. Claims 27, 49 and 51 have been similarly amended.

The Office Action referred to the processing electronics 42 of the external device 32 of *Lebel* as the processor of the multi-purpose user interface of Claim 1. With reference to “the display for displaying a medical prompt and for displaying medical information received from the first central computer” of Claim 1, the Office Action refers to LCD display 36 of external device 32 of *Lebel*. Accordingly, it appears the Office Action reasons that the processing electronics 72 of the implantable device 2 (from which data would be sent to the external device) is the “first central computer” of Claim 1. As clarified in amended Claim 1, the first central

Referring to paragraph [0050] of *Blomquist*, in one embodiment, the pump 110 includes “an external communication sensor 334 which can sense when a remote dose cord is attached, or when a remote data-gathering device (e.g., temperature sensor, blood pressure monitor, EKG monitor, or respiratory monitor) is attached.”

Amended Claim 54 is directed to a system for monitoring healthcare data, comprising: a medication delivery pump for infusing a solution, the pump having a first location, the pump having first healthcare data associated therewith; ***a vital signs monitor proximate the first location, the monitor having second healthcare data associated therewith***; a central computer for receiving the first and second healthcare data; and ***an interface device remote from the infusion pump and the vital signs monitor and in communication with the central computer, for displaying at least a portion of each of the first and second healthcare data on a single interface screen on the interface device.***

Blomquist only mentions a remote data gathering device, such as a blood pressure monitor in passing, in the context of a cord sensor associated with the pump 110. *Blomquist* does not disclose or suggest sending data from such a data-gathering device to a central computer and displaying at least a portion of the data on a single display of an interface device along with data from the pump.

Further, the Office Action appears to reason the *Blomquist* pump 110 is the pump of Claim 54, computer 104 is a monitor and network server 102 is a central computer. *Blomquist* does not disclose an interface device ***remote from the infusion pump and the vital signs monitor*** and in communication with the central computer, for displaying at least a portion of each of the first and second healthcare data on a single interface screen on the interface device. The Office Action appears to reason that another computer 104 attached to the network in *Blomquist* could be an interface device. However, such a computer would not be remote from its associated pump 110. For at least these reasons, Applicants respectfully submit that Claim 54 and 62 (which includes similar features) and the claims depending therefrom are patentable over *Blomquist*.

Claim 65 is directed to a system for tracking and reporting healthcare system data, comprising: a first medical pump having first medical pump data associated therewith; a second medical pump having second medical pump data associated therewith; a central computer in

communication with the first and second medical pumps over a communications network, for receiving and storing the first and second medical pump data; and *an interface device remote from the first medical pump and the second medical pump having an interface screen for displaying a manipulated version of the first and second medical pump data, wherein the manipulated version of the first and second medical pump data comprises near miss data for the first and second pumps.*

Claim 90 includes a central computer in communication with a plurality of interface devices over a communications network, for receiving and storing the identifier data, wherein at least one of the plurality of interface devices has an interface screen for displaying a manipulated version of the identifier data, *wherein the manipulated version of the identifier data comprises near miss data relating to the use of the identifier data.*

As discussed, above *Blomquist* does not disclose an interface device remote from the first medical pump and the second medical pump. Further, *Blomquist* clearly does not disclose displaying a manipulated version of first and second medical pump data, wherein the data is near miss data for the first and second pumps. Accordingly, Applicants respectfully submit that Claims 65 and 90 and the claims depending therefrom are patentable over *Blomquist* and in condition for allowance.

Regarding the rejection of Claims 6 to 8 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of U.S. Publication No. 2002/0173774 to Olsen ("*Olsen*"), Claims 19, 20, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel*, Claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of U.S. Publication No. 2002/0016568 to McDevitt et al. ("*McDevitt*"), Claims 31 to 36, 39, 41, 43 and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Blomquist*, Claims 37, 38 and 45 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of *Blomquist* and further in view of *McDevitt*, Claim 42 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* and *Blomquist*, and further in view of U.S. Publication No. 2004/0029213 to Callahan et al. ("*Callahan*"), Claim 53 under 35 U.S.C. § 103(a) as being unpatentable over *Lebel* in view of U.S. Publication No. 2002/0116509 to De La Hueraga ("*De La Hueraga*"), Claims 67 to 72, 92 and 94 under 35 U.S.C. § 103(a) as being unpatentable over *Blomquist* in view of U.S. Publication No. 2004/0104271 to Martucci et al. ("*Martucci*"), and Claims 74, 76, 78, 80, 82, 84, 86, 88, 93, 95, 98 and 101 were

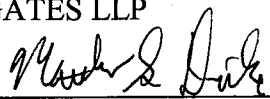
rejected under 35 U.S.C. § 103(a) as being unpatentable over *Blomquist*, Applicants respectfully submit that the patentability of each of these claims is rendered moot by the patentability of Claims 1 to 5, 9 to 18, 21, 24, 25, 27 to 30, 40 and 46 to 52 over *Lebel* and Claims 54 to 66, 73, 75, 77, 79, 81, 83, 85, 87, 89 to 91, 96 and 97 over *Blomquist*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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